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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 20th May, 1976:—

BILL No. 58 OF 1976

A Bill to provide for the better regulation of the purchase, sale, storage and processing of agricultural produce and the establishment of markets for agricultural produce in the Union territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Delhi Agricultural Produce Marketing (Regulation) Act, 1976.

(*2*) It extends to the whole of the Union territory of Delhi.

(*3*) It shall come into force on such date as the Administrator may, by notification, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(*b*) "agricultural produce" means such produce (whether processed or not) of agriculture, horticulture, forest, animal husbandry, apiculture or pisciculture as are specified in the Schedule;

(*c*) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or who by the labour of his tenants or by servants or hired labour or otherwise is engaged in the production or growth of agricultural produce which has not been processed, but does not include a trader, commission agent, processor or broker, in or in relation to, agricultural produce except where such trader, commission agent, processor or broker is also engaged in the production or growth of agricultural produce;

(*d*) "Board" means the Delhi Agricultural Marketing Board constituted under section 5;

(*e*) "broker" means an agent who, in consideration of a commission, fee or remuneration, contrives, makes and concludes a bargain, or contracts on behalf of his principal, for the purchase or sale of agricultural produce, but does not receive, deliver, transport, or pay for the purchase or collect payment for the sale of, the agricultural produce;

(*f*) "bye-laws" means bye-laws made under section 65;

(*g*) "commission agent" means a person, who, by himself or through his servants, buys and sells agricultural produce for another person, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;

(*h*) "Director" means a person appointed as the Director of Agricultural Marketing for the Union Territory of Delhi;

(*i*) "local authority" means, in relation to an area within the local limits of,—

(*i*) the Municipal Corporation of Delhi, that Corporation;

(*ii*) the New Delhi Municipal Committee, that Committee;

(*iii*) the Delhi Cantonment Board, that Board;

(*j*) "market" means any principal market established under this Act and includes a subsidiary market;

(*k*) "market area" means an area declared to be a market area under section 4;

(*l*) "Market Committee" means a committee constituted for a market area under section 8;

(*m*) "notification" means a notification published in the Official Gazette;

(*n*) "Official Gazette" means the Delhi Gazette;

(*o*) "prescribed" means prescribed by rules made under this Act;

(*p*) "processor" means a person who processes any agricultural produce on payment of a charge;

(*q*) "retail sale" in relation to any agricultural produce, means the sale of that produce, not exceeding such quantity as the Market Committee may, by bye-laws, determine to be a retail sale;

(*r*) "Schedule" means the Schedule to this Act;

(*s*) "Secretary" means a Secretary of a Market Committee, and includes a Joint, Deputy or Assistant Secretary;

(*t*) "Surveyor" means a person who, on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

(*u*) "trader" means a person who buys or sells agricultural produce as a principal or as duly authorised agent of one or more persons.

(*2*) If any question arises as to whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the Director who shall decide the same.

Notification of intention of regulating marketing of agricultural produce in specified area.

3. (*1*) The Administrator may, by notification, declare his intention of regulating the marketing of such agricultural produce, and in such area, as may be specified in the notification in accordance with the provisions of this Act.

(*2*) The notification may also be published in any newspaper published in the regional language and circulating in the area specified under sub-section (*1*), or in such other manner as, in the opinion of the Administrator, is best calculated to bring to the notice of persons in that area, the intention aforesaid.

(*3*) The notification shall state that any objections or suggestions which may be received by the Administrator, within such period as may be specified in the notification, not being less than one month from the date of publication of the notification in the Official Gazette, shall be considered by him.

Declaration of regulation of marketing of specified agricultural produce in market area.

4. (*1*) On the expiry of the period specified in the notification issued under section 3, and after considering the objections and suggestions, if any, as may be received before such expiry, and holding, wherever considered necessary, an inquiry in the prescribed manner, the Administrator may, by notification, declare an area to be a market area wherein the marketing of agricultural produce specified in the notification shall be regulated in accordance with the provisions of this Act.

(*2*) A declaration made under this section may also be published in any newspaper published in the regional language and circulating in the area specified under sub-section (*1*), or in such other manner as, in the opinion of the Administrator, is best calculated to bring to the notice of persons in that area the declaration aforesaid.

(*3*) On a declaration being made under sub-section (*1*) no local authority shall, notwithstanding anything contained in any other law for the time being in force, establish, or authorise or allow to be established, or continue, or authorise the continuation of, any place in the market area for the marketing of agricultural produce specified in the declaration.

(*4*) The Administrator may, in the manner specified in section 3, at any time, exclude any area from a market area, or include therein an

additional area, or may declare that the regulation of marketing of any agricultural produce in any market area shall cease or that the marketing of any agricultural produce hitherto not regulated shall be regulated in the market area.

CHAPTER II

CONSTITUTION OF DELHI AGRICULTURAL MARKETING BOARD

Constitution, powers and duties of Delhi Agricultural Marketing Board.

5. (*1*) The Administrator shall, for the purposes of this Act, establish a Board to be known as the Delhi Agricultural Marketing Board consisting of a Chairman, to be nominated by the Administrator, and twelve other members, of whom four shall be officials and eight non-officials, to be nominated by the Administrator in the following manner, namely:—

(*a*) the Director and three other officials representing, respectively, the Agriculture Department, the Co-operative Department and the Animal Husbandry Department, of the Delhi Administration, shall be the official members;

(*b*) the non-official members shall be—

(*i*) two agriculturists, being members of the Market Committees;

(*ii*) one member representing the organisations of farmers;

(*iii*) one progressive agriculturist of Delhi;

(*iv*) one member representing traders and commission agents licensed under section 34;

(*v*) one member representing the co-operative societies; and

(*vi*) two members representing the interests of consumers, of whom one shall be a member of the Metropolitan Council of Delhi.

(*2*) The Director shall be the *ex officio* Secretary of the Board.

(*3*) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, and to contract, and shall, by the said name, sue and be sued.

(*4*) Every non-official member shall hold office for a period of three years, but shall be, on the expiry of the term, eligible for re-nomination and every official member shall hold office during the pleasure of the Administrator:

Provided that, notwithstanding the expiry of the term of office, a non-official member shall continue in office until his successor has been nominated and has assumed office.

(*5*) No person shall be eligible to become a member of the Board if he—

(*a*) is below twenty-five years of age;

(*b*) has been removed from membership of a Market Committee under section 15;

(c) is of unsound mind and stands so declared by a competent court; or

(*d*) is, or at any time has been, adjudicated insolvent or convicted by a criminal court, whether within or outside the Union territory of Delhi, of any offence which, in the opinion of the Administrator, involves moral turpitude:

Provided that the disqualification on the ground of conviction by a criminal court shall not apply after the expiry of five years from the date on which the conviction became final and effective.

(*6*) The Chairman of the Board may resign by writing under his hand addressed to the Administrator and any other member may resign by writing under his hand addressed to the Administrator through the Chairman of the Board and the resignation shall take effect from the date on which it is accepted by the Administrator.

(*7*) The Administrator may remove from office any non-official member of the Board who has become subject to any of the disqualifications specified in sub-section (5) or who, in his opinion, is remiss in the discharge of his duties or has ceased to represent the interest to represent which he was nominated:

Provided that no non-official member shall be removed from office except after giving him a reasonable opportunity of showing cause against the proposed action.

(*8*) A casual vacancy caused by death, resignation or removal of a member, or otherwise, in the Board shall be filled by fresh nomination and the person nominated to fill the vacancy shall hold office for the remainder of the term of office of the member in whose place he was nominated.

(*9*) The Administrator shall exercise superintendence and control over the Board and its officers and may call for such information as he may deem necessary and, in the event of his being satisfied that the Board is not functioning properly or is persistently making default in the performance of the duties imposed on it by or under this Act or is abusing its powers or is guilty of corruption or mismanagement, may suspend the Board till such time as a new Board is constituted, and make such arrangements for the exercise of the functions of the Board as he may think fit:

Provided that no order of suspension as aforesaid shall be made except after giving the Board a reasonable opportunity of showing cause against the proposed action:

Provided further that a new Board shall be constituted within a period of six months from the date on which the Board is suspended.

(*10*) The Board shall exercise superintendence and control over the Market Committees.

(*11*) The Administrator or the Chairman or the Secretary of the Board or any other official of the Board authorised in this behalf by

the Board may call for from any Market Committee or any trader, godown keeper or any other functionary operating within the market area any information or return relating to agricultural produce and shall have the power to inspect the records and accounts of such Market Committee, trader, godown keeper or other functionary.

(*12*) The Board may transfer the Secretary or any employee dealing with accounts from one Market Committee to another Market Committee and exercise such other powers and discharge such other duties as may be specified in the regulations framed by the Board.

(*13*) Subject to the provisions of this Act and the rules and regulations made thereunder, the Board may employ such persons for the performance of its functions as it may consider necessary and the method of recruitment, the scale of pay and other conditions of service of such persons shall be such as may be provided in the regulations made by the Board in this behalf.

(*14*) (*a*) Subject to the rules made under this Act, an estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared and passed by the Board and submitted every year, not later than the prescribed date, to the Administrator for his sanction.

(*b*) The Administrator may sanction the budget of the Board with such alterations or modifications as he may think fit and the budget so altered or modified by the Administrator shall be the budget of the Board for the year.

(*c*) The budget as sanctioned by the Administrator shall be returned to the Board within two months from the date of the receipt thereof and if it is not so returned within the said period of two months, it shall be presumed that the budget, as presented by the Board, has been duly sanctioned by the Administrator.

(*15*) Five members shall constitute a quorum at a meeting of the Board:

Provided that, if a meeting is adjourned for want of quorum, no quorum shall be necessary for the next meeting called for transacting the same business.

(*16*) All questions which come up before a meeting of the Board shall be decided by a majority of votes of the members present and voting and, in the case of an equality of votes the Chairman, or in his absence the person presiding, may exercise a second or casting vote.

(*17*) The Board may, with the approval of the Administrator, delegate any of its powers to its Chairman, Secretary or any of its other officers:

Provided that the person to whom such power is delegated shall function under the superintendence, direction and control of the Board.

(*18*) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

(19) Subject to the rules made under this Act, the Board may, with the approval of the Administrator and by notification, make regulations for—

(a) regulating the transaction of business at its meetings;

(b) delegation of duties and powers of the Board to its Chairman or secretary or any other officer employed by it;

(c) generally, the efficient conduct of the affairs of the Board.

CHAPTER III

ESTABLISHMENT OF MARKETS AND CONSTITUTION OF MARKET COMMITTEES

Establishment of markets.

6. (1) For every market area, there shall be established a principal market, and there may also be established one or more subsidiary markets, for the marketing of agricultural produce.

(2) The Director shall, as soon as possible after a declaration is made under sub-section (1) of section 4, by notification, establish any place (including any structure, enclosure, open space or locality) in any market area to be the principal market for the marketing of the agricultural produce specified in such notification and may, by the same notification or by a subsequent notification, establish in any other like places in the market area subsidiary markets for the marketing of such agricultural produce.

Establishment of special markets.

7. (1) Where the Administrator is satisfied that on account of the specialised nature of marketing of any commodity, like fish, fresh fruits, fresh vegetables, sheep, wool or cattle, in any area, it is expedient to ensure the efficient regulation of the marketing of such commodity in such area, he may establish,—

(a) in such area special markets for such commodities, and

(b) independent market committees in relation to such special markets notwithstanding that such area falls within the local limits of the jurisdiction of any other Market Committee or Committees already functioning in that area,

and every such special market and independent market committee shall be established and constituted in the same manner in which a market and Market Committee is established and constituted under this Act.

(2) Where a special market is established under sub-section (1), the Administrator may, by notification, declare that the provisions of this Act shall, with such modifications, restrictions or limitations as may be specified in the notification, apply in respect of such special market.

Constitution of Market Committees.

8. (1) Without prejudice to the provisions of section 7, there shall be constituted by the Administrator, for every market area, a Market Committee; and different Market Committees may be constituted for regulating the marketing of different kinds of agricultural produce marketed in the same market area or any part thereof.

(2) Every Market Committee shall exercise such powers and discharge such functions as may be vested in it by or under this Act.

Composition of Market Committees.

9. (1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following fourteen members, namely:—

(a) six members to be elected by the agriculturists residing in the market area and holding agricultural land in the Union territory of Delhi:

Provided that where the Administrator is satisfied that the bulk of the arrivals in any market in the market area are from outside the Union territory of Delhi, he may nominate such number of members, not exceeding fifty per cent. of the members representing agriculturists, as he may think fit, and such nomination shall be made from among the residents of the six neighbouring States, namely, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh;

(b) two members to be elected by the traders and commission agents holding licences to operate as such in the market area;

(c) the Chairman of the co-operative society engaged in the business of processing or marketing of agricultural produce in the market area:

Provided that, if there be more than one such co-operative societies in the market area, then the managing committees of all such societies shall meet together and elect the Chairman of one of such co-operative societies as a member of the Market Committee:

Provided further that where there is no such co-operative society in the market area, the Administrator may nominate a member to represent the persons doing the business of processing or marketing of agricultural produce in the market area;

(d) one member to be elected by the members of the local authority within the local limits of whose jurisdiction the principal market in relation to that Market Committee is situated:

Provided that a person to whom a licence has been granted under section 34 shall not be eligible for election under this clause;

(e) one member to be elected by the licensed weighmen and measurers;

(f) one member of the Metropolitan Council of Delhi to be elected by that Council from amongst its members, to represent the interests of consumers;

(g) two members to be nominated by the Administrator of whom one shall represent the interests of consumers.

(2) When a Market Committee is constituted for the first time, all the members thereof, including the Chairman and the Vice-Chairman, shall be nominated by the Administrator.

(3) Without any prejudice to the provisions of sub-section (2), the Chairman of a Market Committee shall be nominated by the Administrator from among the members of the Committee.

(4) Subject to the provisions of sub-section (2), every Market Committee shall elect one of its elected members to be its Vice-Chairman.

Incorporation of Market Committees.

10. Every Market Committee shall be a body corporate by such name as the Administrator may, by notification, specify and shall have perpetual succession and a common seal and may, in its corporate name, sue and be sued and shall, subject to such restrictions as are imposed by or under this Act, be competent to contract and to acquire, hold and dispose of property, both movable and immovable, and to do all other things necessary for the purposes for which it is constituted.

Election and term of office of members.

11. (1) Except as otherwise provided in this Act and subject to the provisions of sub-section (2) of section 9, the members of a Market Committee shall be elected by the individuals, authorities or bodies referred to in sub-section (1) of section 9.

(2) The manner of election, preparation and maintenance of the lists of voters, qualifications of members, disqualifications for being chosen as, and for being, a member, the right of vote, the payment of deposit and its forfeiture, determination of election disputes, publication of the names of members elected, and all matters ancillary thereto shall be such as may be prescribed.

(3) If, for any reason, any body of persons, local authority or co-operative society or managing committee thereof fails to elect members of any Market Committee, the Director shall give notice in writing requiring such body of persons, local authority or co-operative society or managing committee thereof to elect members within one month from the date of service of such notice; and on the failure of such body, authority, society or committee to elect members within the aforesaid period, the Director shall nominate the required number of persons who are qualified to be elected under this Act representing such body of persons, local authority or co-operative society or managing committee thereof.

(4) Except as otherwise provided in this Act, a member of a Market Committee (not being a committee constituted for the first time) shall hold office for a period of three years and the members of a Market Committee constituted for the first time shall hold office for a period of two years:

Provided that the Administrator may, by notification, extend the term of office of members of any Market Committee for a period not exceeding one year.

(5) The names of the members of a Market Committee who have been elected or nominated shall be published in the Official Gazette.

(6) Upon the publication of the names of all the members of a Market Committee after election or nomination or, as the case may be, upon the publication of the names of at least nine members of such Committee in the Official Gazette, the Market Committee shall be deemed to be duly constituted.

Creation of Election Fund.

12. (1) The superintendence, direction and control of the preparation of the list of voters for, and conduct of, all elections to Market Committee shall be vested in the Director, and, for the purpose of preparing the list

of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent. of all money received by it by way of fees under this Act during any year or two thousand rupees per annum, whichever is less.

(2) The Election Fund shall be invested in such manner as the Director may direct, regard being had to elections to be held during a year, and the necessity to have the moneys available from the Fund for meeting the expenses in relation to the preparation of the list of voters, or for the conduct of elections, or both.

(3) Every Market Committee shall, not later than the 31st day of October each year, inform the Director or any person authorised by him in this behalf of the amount standing to the credit of the Election Fund on the 30th day of September and also at any other time when required by the Director.

(4) Whenever the list of voters is to be prepared or revised or any election to the Market Committee is to be held, the Director or any person authorised by him in this behalf shall in writing inform the Market Committee to deposit with him such amount and before such date as may be specified in the direction for meeting the expenses for preparing or revising the list of voters or, as the case may be, for conducting the election, or both and the Market Committee shall comply with such direction.

(5) The Director or any person authorised by him in this behalf shall, after the preparation or revision of the list of voters or after the declaration of the result of the election, draw up a statement of expenditure incurred in preparing or revising such list or in conducting the election and shall, within a period of three months from such preparation or revision of the list or declaration of the result, as the case may be, forward the same to the Market Committee for information.

(6) The balance of the amount remaining unspent, if any, shall be refunded to the Market Committee and, if the expenditure incurred exceeds the amount of deposit, the Director, or any person authorised by him in this behalf, shall direct the Market Committee to pay the excess amount, as specified by him in the direction, within one month from the date of the receipt of the direction and the Market Committee shall comply with such direction.

Commencement of term of office of members.

13. (1) The term of office of members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted:

Provided that, a person, who is a member by virtue of his being the Chairman of a co-operative society or member of a local authority or of the Metropolitan Council of Delhi, shall cease to hold office on his ceasing to be such Chairman or member, and in the case of a person who is a licensee he shall cease to hold office on his ceasing to be the holder of the licence.

(2) The first meeting of the Market Committee, to be called by the Chairman, shall be held on such date as may be fixed by the Director,

or any officer authorised by him in that behalf, being a date not later than thirty days from the date on which the Committee is deemed, under sub-section (6) of section 11, to be duly constituted.

(3) Where the first meeting cannot, for any reason, be held within the said period of thirty days, the Director shall report the fact to the Administrator stating the reasons for the failure to hold the meeting, and shall act according to the directions of the Administrator issued in that behalf.

(4) The term of office of the outgoing members shall be deemed to extend to, and expire with, the date immediately preceding the date of such first meeting.

Resignation of members and nomination in certain circumstances.

14. (1) A member of a Market Committee may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office of member by writing under his hand addressed to the Director, and the resignation shall take effect from the date on which it is accepted by the Chairman or, as the case may be, the Director.

(2) If at any time it appears to the Administrator that any Market Committee, by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, he may, by notification, nominate persons to fill the vacancies of the members who have resigned; and the persons so nominated shall hold office for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled by election or nomination, as the case may be.

Removal of members for misconduct.

15. The Administrator may, on the recommendation of the Market Committee supported by not less than nine members of that Committee, present and voting at a meeting, remove any member if he has been guilty of neglect or misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member or is adjudged an insolvent:

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard by the Administrator.

Casual vacancies.

16. Subject to the provisions of sub-section (3) of section 11 and sub-section (2) of section 14, in the event of a vacancy occurring on account of the death, resignation or removal of a member, whether elected or nominated, before the expiry of his term of office, or otherwise, the Chairman of the Market Committee shall forthwith communicate the occurrence of such vacancy to the Director and the vacancy shall be filled as soon as conveniently may be, by election, or, as the case may be, nomination, of a person, who shall hold office for the remainder of the term of office of the member in whose place he is elected or nominated:

Provided that, if the vacancy occurs at any time within six months immediately preceding the date on which the term of office of the member is due to expire, the vacancy shall not, unless the Administrator directs otherwise, be filled.

Term of office of Chairman and Vice-Chairman and honorarium payable to them.

17. (1) The Chairman and the Vice-Chairman shall hold office for such period as may be prescribed and shall, notwithstanding the expiry of their term of office, continue to hold office until their respective successors enter upon their office.

(2) There shall be paid to the Chairman and the Vice-Chairman an honorarium of such amount as the Board may, having regard to the finances of the Market Committee, specify; so, however, that the total amount of honorarium to be paid to each shall not exceed rupees one thousand and eight hundred per annum.

Procedure for election of Vice-Chairman.

18. (1) The Vice-Chairman shall be elected in the first meeting of the Market Committee.

(2) Such meeting shall be presided over by the Director or any person authorised by him in this behalf.

(3) The Director or such person shall, when presiding over the meeting, have the same powers as the Chairman has while presiding over a meeting of the Market Committee, but shall not have the right to vote.

(4) If, in the election of the Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the person presiding over the meeting and in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of election of the Vice-Chairman, the Director, if he is the presiding officer, shall decide the dispute himself, and, in any other case, the person presiding shall refer the dispute to the Director for decision and the decision of the Director, subject to an appeal to the Administrator, shall be final, and no suit or other proceeding shall lie in any court in respect of any such decision.

Resignation of Chairman and Vice-Chairman.

19. (1) The Chairman of the Market Committee may resign his office by writing under his hand addressed to the Director; and the resignation shall take effect from the date on which it is accepted by the Director.

(2) The Vice-Chairman of the Market Committee may resign his office by writing under his hand addressed to the Chairman; and the resignation shall take effect from the date on which it is accepted by the Chairman.

Consequences of absence of Chairman without leave.

20. Subject to the rules made by the Administrator in this behalf, a Chairman of the Market Committee who absents himself from three consecutive meetings of the Market Committee without leave of the Board shall cease, on and from the date on which the third such meeting is held, to be the Chairman.

Vacancies in office of Chairman and Vice-Chairman.

21. (1) In the event of a vacancy in the office of the Chairman or the Vice-Chairman by reason of death, resignation, or otherwise, the vacancy shall be filled as soon as possible,—

(a) by nomination, in the case of a Market Committee constituted for the first time; and

(b) in any other case, in the manner provided in sub-section (3) or, as the case may be, sub-section (4) of section 9.

(2) Every Chairman or Vice-Chairman nominated or elected, as the case may be, under this section, to fill a casual vacancy shall hold office for such period as the Chairman or the Vice-Chairman in whose place he is nominated, or as the case may be, elected, would have held such office if the vacancy had not occurred.

Refusal to hand over charge to new Chairman or Vice-Chairman.

22. (1) On the nomination or election of the Chairman or Vice-Chairman, the outgoing Chairman or Vice-Chairman shall forthwith hand over charge of his office to the successor-in-office.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office, as required under sub-section (1), the Director or any person authorised by the Director in this behalf may, by order in writing, direct such Chairman or Vice-Chairman, as the case may be, to forthwith hand over charge of his office to the successor-in-office together with all records, funds and property of the Market Committee, if any, in his possession as such Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorised by him in this behalf may apply to the Executive Magistrate within the local limits of whose jurisdiction the Market Committee is functioning for seizing and taking possession of the records, funds and property of the Market Committee in the possession of such Chairman or Vice-Chairman and handing over possession thereof to the successor-in-office.

(4) On receipt of an application under sub-section (3), the Executive Magistrate may authorise any police officer, not below the rank of a sub-inspector, to enter and search any place where the records, funds and property are kept or are likely to be kept and to seize them and hand over possession thereof to the person specified in such application.

2 of 1974.

(5) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

Meeting, etc., of Market Committee.

23. The quorum for a meeting of the Market Committee and the procedure to be followed thereat shall be regulated in accordance with the bye-laws made for the purpose by the Market Committee.

Members to act during vacancy; acts of Market Committee, etc., not to be invalidated by informalities.

24. A Market Committee shall have power to act, notwithstanding any vacancy in the membership, or any defect in the constitution, thereof; and the proceedings of a Market Committee shall be valid notwithstanding that some person, who was not entitled to be a member, had sat, voted or otherwise taken part in the proceedings of any such Committee.

CHAPTER IV

MARKET COMMITTEES—POWERS AND DUTIES

Powers and duties of Market Committee.

25. (*1*) Subject to the provisions of this Act, it shall be the duty of a Market Committee—

(*i*) to implement the provisions of this Act and of the rules and bye-laws made thereunder for the market area;

(*ii*) to provide such facilities for marketing of agricultural produce therein as the Board may, from time to time, direct;

(*iii*) to do such other acts as may be required in relation to the superintendence, direction and control of markets, or for regulating marketing of agricultural produce in any place, in the market area, and for purposes connected with the matters aforesaid,

and, for that purpose, may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.

(*2*) Without prejudice to the generality of the foregoing provisions, a Market Committee may—

(*a*) regulate the entry of persons and of vehicular traffic into the market;

(*b*) supervise the conduct of those who enter the market for transacting business;

(*c*) grant, renew, refuse, suspend or cancel licences;

(*d*) provide for setting disputes arising out of any kind of transactions connected with the marketing of agricultural produce and all matters ancillary thereto;

(*e*) prosecute persons for violating the provisions of this Act and of the rules and bye-laws made thereunder;

(*f*) maintain and manage the market, including the regulation of admissions to, and conditions for use of, the market;

(*g*) regulate the marketing of agricultural produce in the market area or the market, and the weighment or delivery of, or payment for, such agricultural produce;

(*h*) arrange for the collection—

(*i*) of such agricultural produce in the market area in which all trade therein is to be carried on exclusively by the Government by or under any law for the time being in force for that purpose, or

(*ii*) of such other agricultural produce in the market area, as the Administrator may, from time to time, notify in the Official Gazette (hereinafter referred to as the notified produce);

(*i*) acquire, hold and dispose of any movable or immovable property (including any equipment necessary for the purpose of efficiently carrying out its duties);

(*j*) collect or maintain, disseminate and supply information in respect of production, sale, storage, processing, prices and movement of agricultural produce (including information relating to crop-statistics and marketing intelligence) as may be required by the Director or the Board;

(*k*) take all possible steps to prevent adulteration and to promote grading and standardization of such agricultural produce as may be prescribed;

(*l*) enforce the provisions of this Act and of the rules and bye-laws made, and conditions of the licences granted, under this Act;

(*m*) perform such other duties as may be prescribed.

Appointment of sub-committees; delegation of powers

26. A Market Committee may constitute one or more sub-committees consisting of one or more of its members and, if the Committee deems it desirable, may co-opt any person with the approval of the Board or of any officer authorised by the Board in this behalf and may, subject to such restrictions and conditions as may be specified in the regulations framed by the Board, delegate to such sub-committees such of its powers or duties as it may think fit.

Power of the Market Committee to open collection centres for marketing of specified produce; provisions for receipt and payment by purchaser.

27. (*1*) A Market Committee duly authorised by the Administrator for the purpose may, by an order published for the information of the public in such manner as it deems fit, open collection centres for collecting thereat the produce specified in such order (hereinafter referred to as the specified produce).

(*2*) Where any person wishes to sell any specified produce in a market area, he shall tender all such produce only at the collection centre established for the purpose under sub-section (*1*):

Provided that, any such specified produce may be tendered through a commission agent or any agency specified by the Administrator in this behalf.

(*3*) The Market Committee shall, on the sale of such produce, get it weighed, measured or, as the case may be, counted, forthwith and arrange for issuing a receipt therefor to the person who has tendered the produce at the collection centre for sale or, as the case may be, to the commission agent or any agency and shall also arrange to give a copy of the receipt to the purchaser.

(4) Such receipt shall contain the following particulars, that is to say,—

(*i*) the name of the collection centre;

(*ii*) the name of the tenderer;

(*iii*) the name of the purchaser;

(*iv*) the name of the commission agent or agency, if any;

(*v*) the name of the specified produce, the weight, measure or number thereof and the fees paid for the weighing, measuring or counting such produce;

(*vi*) grade of specified produce, if any, and the rate;

(*vii*) the amount to be paid to the Market Committee by the purchaser;

(*viii*) the amount to be paid by the tenderer to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Market Committee;

(*ix*) the amount to be paid by the tenderer to a co-operative society under the Delhi Co-operative Societies Act, 1972; 35 of 1972.

(*x*) the amount of advance price received by the tenderer, if any, in respect of the specified produce;

(*xi*) the amount to be actually paid to the tenderer after deducting the amounts, if any, falling under clause (*vii*), clause (*viii*), clause (*ix*) or clause (*x*); and

(*xii*) the total amount to be paid by the purchaser in respect of the specified produce purchased by him.

(5) The dues payable to a Market Committee under clause (*vii*) of sub-section (4) shall consist of fees to be levied and collected from a purchaser by or under this Act.

(6) The purchaser shall, on receiving a copy of the receipt, pay forthwith the total amount to be paid by him as recorded in the receipt by drawing separate cheques payable on presentation in favour of—

(*a*) the Market Committee, for an amount equal to the total of the amounts referred to in clause (*vii*), clause (*viii*) or clause (*ix*) of sub-section (4);

(*b*) the tenderer for an amount equal to the amount referred to in clause (*xi*) of sub-section (4).

(7) The Market Committee, on receipt of the cheques, shall hand over to the tenderer the cheque drawn in his favour and arrange to pay, from the amount received by it under the cheque drawn in its favour, to the commission agent and the co-operative society, if any, the amount recorded against each of them in the receipt and credit the balance due to it to the Market Fund.

Power of Market Committee to levy fees.

28. It shall be competent for a Market Committee to levy and collect such fees (hereinafter referred to as the market fees), not being in excess of, or less than, an amount determined by the Administrator, by notification, from every purchaser of agricultural produce sold in a market area in such manner as may be prescribed and at such rates as may be specified in the bye-laws:

Provided that the amount determined by the Administrator shall not exceed one and a half per cent. of the value of the agricultural produce:

Provided further that, when any agricultural produce brought into any market area for the purpose of processing only, or for export, is not processed or exported therefrom within thirty days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been brought into the market area for buying and selling, and shall be subject to the levy of fees under this section, as if it had been brought and sold therein:

Provided also that no such fees shall be levied and collected in the same market area in relation to any agricultural produce in respect of

which fees under this section have already been levied and collected therein.

Power to borrow.

29. (*1*) A Market Committee may, with the previous sanction of the Board, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(*2*) The Market Committee may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Administrator on such terms and conditions as he may determine.

(*3*) A Market Committee may, with the previous approval of the Board, obtain loans from other Market Committees on such conditions, and subject to such rules, as may be made.

Execution of contracts.

30. (*1*) Every contract entered into by a Market Committee shall be in writing and shall be executed on behalf of the Committee by the Chairman or Vice-Chairman, and two other Members of the Committee.

(*2*) No contract, other than a contract executed as provided in sub-section (*1*), shall be binding on the Market Committee.

Rajasthan Act 32 of 1958.

Certain disputes regarding construction of rules, etc., about weights and measures to be decided by the Controller of Weights and Measures.

31. (*1*) If any dispute arises between an Inspector appointed under the Rajasthan Weights and Measures (Enforcement) Act, 1958, as in force in the Union territory of Delhi, and any person interested, as to the meaning or construction of any rule made under that Act or as to the method of verifying, re-verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, in any market area, such dispute may, at the request of the person interested or by the Inspector of his own accord, be referred to the Controller appointed under that Act; and the decision of the Controller shall, subject to the provisions of sub-section (*2*), be final.

(*2*) An appeal shall lie, within such time and in such manner as may be prescribed, from the decision under sub-section (*1*) to the Administrator or such officer as the Administrator may appoint in this behalf and the decision of the Administrator or such officer shall be final.

CHAPTER V

OFFICERS AND SERVANTS OF MARKET COMMITTEES

Power of Market Committee to employ staff.

32. (*1*) Every Market Committee shall have as its Secretary a person appointed by the Board and whose services are lent to the Committee subject to such terms and conditions as the Board may provide by regulations made in this behalf.

(*2*) A Market Committee may, with the previous approval of the Secretary of the Board, employ such number of other officers and servants as may be necessary for the management of the market and the salary and conditions of service of such officers and servants shall be such as may be determined by the Board by regulations made in this behalf.

(3) Every Secretary in the service of a Market Committee constituted under the Bombay Agricultural Produce Markets Act, 1939, as in force in the Union territory of Delhi immediately before the commencement of this Act, shall continue in the service of such Market Committee and shall be deemed to be the servant of the Board and his emoluments and other conditions of service shall be such as may be determined by the Board by regulations made in this behalf. Bombay Act XXII of 1939.

CHAPTER VI

MARKETING OF AGRICULTURAL PRODUCE

Regulation of marketing of agricultural produce.

33. (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on and after the date on which an area is declared under sub-section (1) of section 4 to be a market area, without, or otherwise than in conformity with the terms and conditions of, a licence granted by—

(a) the Director, when a Market Committee has not been constituted or has not started functioning; or,

(b) in any other case, by the Market Committee,—

(i) use any place in the market area for the marketing of the agricultural produce specified in the said declaration; or

(ii) operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of such agricultural produce.

(2) Nothing in sub-section (1) shall apply to the retail sale by an agriculturist of his own produce, or to sale by a person, not being a trader or agriculturist, where such person himself sells to another who buys for his personal consumption or the consumption of any member of his family.

Grant of licences.

34. (1) Subject to rules made in this behalf, a Market Committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market area for the marketing of agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce or may, after recording its reasons in writing therefor, refuse to grant or renew any such licence:

Provided that the Director may, where a Market Committee has not been constituted or has not started functioning, subject to any rules that may be made in this behalf, grant a licence for the marketing of agricultural produce or for operating in any market area as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity.

(2) A licence granted under sub-section (1),—

(a) shall be in such form, valid for such period, and subject to such terms, conditions, restrictions and limitations as may be

prescribed and such restrictions may include a provision prohibiting brokers and commission agents from acting in any transaction (except between a trader and a trader) in respect of agricultural produce other than poultry, cattle, sheep and goats and such other agricultural produce as may be prescribed; and

(*b*) may also specify,—

(*i*) the manner in which and the place at which auction of agricultural produce shall be conducted and bids at such auction shall be accepted;

(*ii*) places at which weighment and delivery of agricultural produce shall be made in any market or market area and on payment of such fees as may be prescribed.

Power to cancel or suspend licences.

35. (*1*) Subject to the provisions of sub-section (*3*), a Market Committee may, for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under this Chapter,—

(*a*) if the licence had been obtained through wilful misrepresentation or fraud;

(*b*) if the holder of the licence or any servant or any one acting on his behalf with his express or implied permission commits a breach of any of the terms or conditions of the licence;

(*c*) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with the intention of wilfully obstructing, suspending or stopping the marketing of agricultural produce in the market area;

(*d*) if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or

(*e*) if the holder of the licence is convicted of any offence under this Act.

(*2*) Notwithstanding anything contained in sub-section (*1*) but subject to the provisions of sub-section (*3*), the Director may, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under this Chapter.

(*3*) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

Appeal.

36. (*1*) Any person aggrieved by an order—

(*a*) of the Market Committee, refusing to grant or renew a licence, or cancelling or suspending any licence, may appeal to the Board;

(*b*) of the Director, refusing to grant or cancelling or suspending a licence, may appeal to the Administrator,

within thirty days from the date on which such order is communicated to him and in such manner as may be prescribed.

(2) The Board or, as the case may be, the Administrator shall, on such appeal, make such order as it or he may deem just and proper:

Provided that, before dismissing an appeal, the Board or, as the case may be, the Administrator shall give the appellant a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

Provision for settlement of disputes.

37. (1) For the purpose of settling disputes between buyers and sellers of agricultural produce or their agents including any disputes regarding quality or weight or payment, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the Market Committee constituted for that market area may appoint arbitrators or constitute from amongst its members a sub-committee.

(2) The method of appointment of arbitrators, the constitution and function of the sub-committees and the fees, if any, that may be paid by parties for the settlement of disputes shall be such as may be prescribed.

(3) Any party, aggrieved by the decision of the arbitrator or the sub-committee, may prefer an appeal from such decision to the Board in such manner and within such time as may be prescribed.

CHAPTER VII

MARKETING DEVELOPMENT FUND AND MARKET FUND

Marketing Development Fund.

38. (1) All moneys received by the Board shall be credited into a fund to be called the Marketing Development Fund.

(2) All expenditure incurred by the Board shall be defrayed from such Fund which shall be jointly operated by the Chairman and the Secretary.

(3) The amount standing to the credit of the Marketing Development Fund shall be kept or invested in such manner as may be prescribed.

(4) The amount standing to the credit of the Marketing Development Fund shall be expended for all or any of the following purposes, namely:—

(i) better marketing of agricultural produce;

(ii) marketing of agricultural produce on co-operative lines;

(iii) collection and dissemination of market rates and news;

(iv) grading and standardisation of agricultural produce;

(v) general improvements in the markets or their respective areas;

(vi) maintenance of the office of the Board and construction and repair of its office buildings, rest houses and staff quarters;

(vii) giving aid to financially weak Market Committees in the shape of loans, or grants, or both;

(viii) payment of salary, leave, allowance, gratuity, compassionate allowance, compensation for injuries or death resulting from accidents, while on duty, medical aid, pension or provident fund to

the persons employed by the Board and leave and pension contributions to Government servants on deputation;

(*ix*) payment of travelling and other allowances to the members and employees of the Board;

(*x*) propaganda, demonstration and publicity in favour of agricultural improvements;

(*xi*) production and betterment of agricultural produce;

(*xii*) meeting any legal expenses incurred by the Board;

(*xiii*) imparting education in marketing of agricultural produce;

(*xiv*) construction of godowns;

(*xv*) expenses incurred in auditing the accounts of the Board;

(*xvi*) with the previous sanction of the Administrator, any other purpose which is calculated to promote the general interest of the Board and the Market Committees or the national or public interest:

Provided that, if the Board decides to give aid of more than five thousand rupees to a financially weak Market Committee under clause (*vii*), prior approval of the Administrator to such payment shall be obtained.

Market Fund, its custody and investment.

39. (*1*) All fees and other moneys received by a Market Committee under this Act (except the amount of such fees credited to the Election Fund under section 12), all sums realised by way of penalty (otherwise than by way of a fine in a criminal case), all loans raised by the Committee, and all grants, loans or contributions made by the Administrator to the Committee shall form part of a fund to be called the Market Fund.

(*2*) The amount to the credit of a Market Fund shall be kept or invested in such manner as may be prescribed.

(*3*) Every Market Committee shall, out of the Market Fund, pay—

(*a*) to the Board, as contribution, such percentage of its income derived from licence fee and market fee, as well as the amount paid to it under sub-section (*4*) of section 59, as is specified below, to enable the Board to defray its expenses on the office establishment and other expenses incurred by it in the interest of the Market Committee generally,—

(*i*) if the annual income of a Market Committee does not exceed Rs. 10,000	.. 10 per centum;
(*ii*) if the annual income of a Market Committee exceeds Rs. 10,000 but does not exceed Rs. 15,000—on the first Rs. 10,000	.. 10 per centum;
on the next Rs. 5,000 or part thereof	.. 15 per centum;

(*iii*) if the annual income of a Market Committee exceeds Rs. 15,000—on the first Rs. 10,000 .. 10 per centum;
on the next Rs. 5,000 .. 15 per centum;
on the remaining income .. 20 per centum;

(*b*) to the Administrator, the cost of any special or additional staff employed by the Government, in consultation with the Market Committee, for giving effect to the provisions of this Act in the market area.

(4) The Administrator shall determine the cost of the special or additional staff referred to in clause (*b*) of sub-section (3) and shall, where the staff is employed for the purposes of more Market Committees than one, apportion such cost among the Market Committees concerned in such manner as he thinks fit, and the decision of the Administrator determining the amount payable by any Market Committee shall be final.

Purposes for which Market Fund may be expended.

40. The amount standing to the credit of the Market Fund may be expended for all or any of the following purposes, namely:—

(*a*) the acquisition of site or sites for the market;

(*b*) maintenance, development and improvement of the market;

(*c*) construction of, and repairs to, buildings necessary for the purposes of such market and for the health, convenience and safety of persons using it;

(*d*) the provision and maintenance of standard weights and measures;

(*e*) pay, pension and leave, allowances, gratuities, compensations for injuries or death resulting from accidents, compassionate allowances and contributions towards leave, allowances, pensions or provident fund of the officers and servants employed by the Market Committee;

(*f*) the payment of interest on loan, if any, raised by the Market Committee and the provision of sinking fund in respect of such loan;

(*g*) the collection and dissemination of information regarding matters relating to crop-statistics and marketing in respect of the agricultural produce specified in the notification under sub-section (*1*) of section 4;

(*h*) propaganda in favour of agricultural improvement and orderly marketing;

(*i*) payment of travelling and other allowances to the members of the Market Committee and its sub-committees and of sub-committees, if any, constituted under section 37;

(*j*) the payment of honorarium to the Chairman and Vice-Chairman under sub-section (2) of section 17;

(*k*) giving grant or donation to any institution or body conducting any educational or welfare activities for the benefit of agriculturists in the market area, subject to the condition that the amount of such grant or donation does not exceed, in the aggregate, ten per cent. of the net amount remaining after deducting the expenditure from the revenues of the year immediately preceding the year in which such grant or donation is made;

(*l*) expenses of any Tribunal constituted under sub-section (4) of section 60;

(*m*) any other function of the Market Committee specified in this Act or in the rules made thereunder;

(*n*) for any other purpose, with the previous approval of the Administrator.

Manner of auditing accounts, preparing budget, annual report, etc.

41. The manner in which any payment from the Marketing Development Fund or Market Fund shall be made, its account shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be such as may be prescribed.

CHAPTER VIII

TRADE ALLOWANCES PROHIBITED

Making or recovery of trade allowance prohibited.

42. No person shall make, or cause to be made on his behalf or on behalf of any other person, or recover, or cause to be recovered on his behalf or on behalf of any other person, any trade allowance in any market or market area in relation to any transaction made or proposed to be made in the market area in respect of any agricultural produce.

Explanation.—For the purposes of this section, "trade allowance" means any deduction in price or rate of the agricultural produce on account of any variation in the quality, weight, container, sample or admixture.

CHAPTER IX

CONTROL BY THE BOARD

Inspection, inquiry, submission of statements, etc.

43. The Board, or any officer authorised by it by general or special order in this behalf, may—

(*a*) inspect or cause to be inspected the accounts and offices of a Market Committee;

(*b*) hold inquiry into the affairs of a Market Committee;

(*c*) call for any return, statement, accounts or report which it or he may think fit to require such Committee to furnish;

(*d*) require a Market Committee to take into consideration—

(*i*) any objection which appears to it or him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee, or

(*ii*) any information it, or he, is able to furnish and which appears to it or him to necessitate the doing of a certain thing which is not being done by such Committee,

and make a written reply to it or him within a reasonable time stating its reasons for doing, or not doing such thing;

(*e*) direct, pending consideration of their reply made under clause (*d*), that anything which is about to be done or is being done, should not be done and anything which should be done but is not being done, should be done within such time as it or he may direct.

Duty of officers, servants and members of Market Committee to furnish information to Board, authorised officers and Administrator.

44. (*1*) When the accounts and offices of a Market Committee are inspected, or the affairs of such Committee are inquired into, under section 43, or the proceedings of such Committee are examined under section 46, all officers, servants and members of such Committee shall furnish such information in their possession in regard to the accounts and offices or affairs or proceedings of such Committee as the Board, or the officers authorised by the Board, as the case may be, may require.

(*2*) The Board or any officer inspecting the accounts and offices, or inquiring into the affairs, of a Market Committee under section 43, or the Board examining the proceedings of such Committee under section 46, shall, for the purposes of such inspection, inquiry or examination, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(*a*) the summoning and enforcing the attendance of any officer, servant or member of the Market Committee and examining him on oath;

(*b*) the discovery and production by any officer, servant or member of the Market Committee of any document or other material object producible as evidence; and

(*c*) the reception of evidence on affidavits.

(*3*) Any officer exercising the powers conferred by sub-section (*2*) shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 2 of 1974.

Seizure of account books and other documents.

45. Where the Board has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be misappropriated or misapplied, the Board may issue an order directing a person duly authorised by it in writing to seize and take possession of such books and records, funds and property of a Market Committee, and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property, shall give delivery thereof to the person so authorised.

Powers of Board to call for proceedings of Market Committees and to pass orders thereon.

46. The Board may, at any time, call for and examine the proceedings of any Market Committee for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by the Market Committee under this Act, and if, in any case, it appears to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it thinks fit

Amalgamation or division of Market Committees.

47. (*1*) Where the Administrator is satisfied that, for securing efficient regulation of marketing of agricultural produce in a market area, it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, he may, after consulting the Market Committees or Market Committee, as the case may be, and the Board, by notification, provide for the amalgamation of such Market Committees into a single Market Committee or division of the Market Committee into two or more Market Committees for the market area in respect of the agricultural produce specified in the notification with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or, as the case may be, the division) as may be specified in the notification.

(*2*) Where more Market Committees than one are established in any market area under sub-section (*1*), the Administrator may, notwithstanding anything contained in this Act, issue general or special direction as to which of the Market Committees shall exercise the powers, perform the duties and discharge the functions of a Market Committee under this Act, in respect of matters in which they are jointly interested.

(*3*) Where any direction is issued under sub-section (*2*), the cost incurred by a Market Committee in pursuance of the directions shall be shared by the other Market Committee concerned in such proportion as may be agreed upon, or, in default of agreement, as may be determined by the Administrator or such officer as he may direct in this behalf and the decision of the Administrator or such officer, as the case may be, shall be final

Supersession of Market Committee, etc.

48. (*1*) If, in the opinion of the Administrator, a Market Committee, or any member thereof, is not competent to perform, or persistently makes default in performing, the duties imposed on it or him by or under this Act, or abuses its or his powers or wilfully disregards any instructions issued by the Administrator or any officer duly authorised by him in this behalf and arising out of audit of accounts of the Market Committee or inspection of the office and work thereof, the Administrator may, for reasons to be recorded by him in writing and after giving the Committee or member, as the case may be, an opportunity of tendering an explanation, by notification, supersede, such Market Committee, or remove such member, as the case may be; and, where a member is removed the vacancy so caused shall be filled in the same manner, and subject to the same condition in regard to term of office, as provided in section 16.

(*2*) Upon the publication of a notification under sub-section (*1*) superseding a Market Committee, the following consequences shall ensue, that is to say,—

(*a*) all members of the Market Committee shall, as from the date of such publication, be deemed to have vacated their offices;

(*b*) all the assets of the Committee shall vest in the Board and the Board shall be liable for all legally enforceable liabilities of the

Committee, subsisting on the date of its supersession, to the extent of the said assets;

(c) the Administrator may, by order, either constitute a new Market Committee in accordance with the provisions contained in Chapter III or make such other arrangements for the carrying out of the functions of the Market Committee as he thinks fit.

(3) If the Administrator constitutes a new Market Committee under clause (c) of sub-section (2), he shall transfer the assets and liabilities of the Market Committee, as on the date immediately preceding the date of such transfer, to the new Market Committee so constituted.

(4) Where the Administrator does not constitute a new Market Committee under clause (c) of sub-section (2), the balance of the assets of the Market Committee as may be left after meeting all the liabilities of such Committee shall continue to vest in the Board and the Board shall utilise the said assets for such objects of public utility as the Administrator may by order specify as being conducive to the regulation of the marketing of agricultural produce in the market area.

CHAPTER X

PENALTIES

Penalty for not complying with directions under sub-section (2) of section 22.

49. If the outgoing Chairman or Vice-Chairman, to whom a direction has been issued under sub-section (2) of section 22, does not, except for reasons beyond his control, comply with such direction, he shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for contravention of section 33.

50. Whoever, in contravention of the provisions of sub-section (1) of section 33, uses any place in the market area for the marketing of the agricultural produce specified in the declaration made under sub-section (1) of section 4, or operates in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman, or in any other capacity in relation to the marketing of agricultural produce specified in such declaration, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both; and, in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day, after the first, during which the contravention continues.

Penalty for making or recovering trade allowance.

51. Whoever, in contravention of the provisions of section 42, makes or causes to be made or recovers or causes to be recovered any trade allowance shall, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for obstruction of officer and failure to obey order under section 43.

52. Whoever obstructs any officer in carrying out the inspection of accounts, or in holding any inquiry into the affairs, of a Market Committee or fails to obey any order with reference to any matter specified in clause (*a*), clause (*c*), clause (*d*) or clause (*e*) of section 43, shall, be punished with fine which may extend to two hundred rupees for everyday during which the offence continues.

Penalty for contravening provisions of section 45.

53. If any officer, servant or member of a Market Committee, when required under section 44 to furnish information in regard to the accounts and offices or affairs of the Market Committee or the proceedings of a Market Committee,—

(*a*) wilfully neglects or refuses to furnish any information; or

(*b*) wilfully furnishes information which is false or incorrect in material particulars,

such officer, servant or member shall, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Penalty for contravention of section 45.

54. Whoever, in contravention of the provisions of section 45 obstructs any person in seizing or taking possession of any books, records, funds or property of the Market Committee or fails to give delivery thereof to such person shall, be punished with fine which may extend to two hundred rupees.

General provision for punishment of offence.

55. Whoever contravenes any provision of this Act or of any rule or bye-law made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or in the rules or bye-laws, be punished with fine which may extend to two hundred rupees.

CHAPTER XI

MISCELLANEOUS

Liability of members or employees of Board or Market Committees.

56. (*1*) Every member or employee of the Board or any Market Committee shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to a Market Committee, if such loss, wastage, misappropriation or misapplication is proved to the satisfaction of the Board to be the direct consequence of the neglect or misconduct on the part of such member or employee, and he may, after being given an opportunity by a written notice to show cause why he should not be required to make good the loss, be required by the Board to make good the amount of money or the value of the property so lost, wasted, misappropriated or misapplied, and, if the money or the

value of the property is not made good within one month from the expiry of the period of appeal specified in sub-section (3), an amount equal to the money or the value of the property shall be recoverable from such member or employee as an arrear of land revenue:

Provided that no such member or employee shall be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, wastage, misappropriation or misapplication or after the expiry of a period of two years from the time of his ceasing to be a member or an employee of the Board or Market Committee, as the case may be, whichever is earlier.

(2) Every member or employee of the Board shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to the Board, if such loss, wastage, misappropriation or misapplication is proved to the satisfaction of the Board to be the direct consequence of the neglect or misconduct on the part of such member or employee in the performance of his duties as such member or employee, and he may, after being given an opportunity by a written notice to show cause why he should not be required to make good the loss, be required by the Board to make good the amount of the money or the value of the property so lost, wasted, misappropriated or misapplied, and, if the money or the value of the property is not made good within one month from the expiry of the period of appeal specified in sub-section (3), an amount equal to the money or the value of the property shall be recoverable from such member or employee as an arrear of land revenue:

Provided that no such member or employee shall be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, wastage, misappropriation or misapplication or after the expiry of a period of two years from the time of his ceasing to be a member or an employee of the Board, whichever is earlier.

(3) The member or employee against whom an order under sub-section (1) or sub-section (2) is made, may, within thirty days from the date of the service of such order, appeal to the Administrator who shall have the power of confirming, modifying or reversing the order made by the Board.

(4) In computing the period of two years or four years, as the case may be, the period during which any proceeding was stayed or the period during which any appeal or revision against the order for making good the loss, remained pending, shall be excluded.

Chairman, etc., of the Board and the Market Committee to be public servants.

57. The Chairman, the members, the Secretary and other officers and servants of the Board and the Chairman, Vice-Chairman, members, Secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Bar of suit in the absence of notice.

58. (1) No suit or other legal proceeding shall be instituted against the Board or any Market Committee or any member, officer or servant thereof or any person acting under the direction of any such Board, Market Committee, member, officer or servant for anything done or pur-

ported to be done, in good faith as such member, officer, or servant under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and the relief which he claims, has been, in the case of the Board or Market Committee, delivered or left at its office, and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit in- 47 of 1963. stituted under section 38 of the Specific Relief Act, 1963.

Trial of offences.

59. (1) No offence under this Act, or any rule or bye-law made thereunder, shall be tried by a court inferior to the court of a Judicial Magistrate of the first class.

(2) No prosecution under this Act shall be instituted except by the Director or any officer authorised by him in that behalf or by the Secretary or by any other person duly authorised by the Board or the Market Committee, as the case may be, in that behalf.

(3) No court shall take cognizance of any offence under this Act or any rule, order or bye-law made thereunder, unless complaint thereof is made within six months from the date on which the alleged commission of the offence came to the knowledge of the Director, officer, Secretary or person referred to in sub-section (2).

(4) All fines received by a court from an offender shall be credited to the Government revenues and an amount equal to such fine shall be paid by the Government to the Board or the Market Committee, as the case may be.

Recovery of sums due to Government, Board, Market Committee and others.

60. (1) Every sum due from the Board or a Market Committee to the Government shall be recoverable as an arrear of land revenue.

(2) Subject to the provisions of sub-section (3) of section 63, any sum due to the Board or a Market Committee on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule or bye-law made thereunder or any sum due to an agriculturist for any agricultural produce, specified under sub-section (1) of section 27, sold by him in the market area and which is not paid to him as provided by or under this Act, shall be recoverable from the person from whom such sum is due, in the same manner as if it were an arrear of land revenue.

(3) If any question arises whether a sum is due to the Board or Market Committee or any agriculturist within the meaning of sub-section (2), it shall be referred to a Tribunal constituted for the purpose which shall, after making such inquiry as it may deem fit, and after giving to the person from whom it is alleged to be due, an opportunity of being heard, decide the question and the decision of the Tribunal shall be final.

(4) The Administrator may constitute one or more Tribunals consisting of one person, possessing such qualifications as may be prescribed, who is not connected with the Board or Market Committee or the agriculturist, as the case may be, or with the person from whom the sum is alleged to be due.

(5) Except as otherwise directed by the Tribunal in the circumstances of any case, the expenses of the Tribunal, as computed by it, shall, ordinarily, be borne by the party against whom a decision is given.

Power of Administrator to delegate powers.

61. The Administrator may, by notification, and subject to such conditions, if any, as he may think fit to impose, delegate all or any of the powers conferred upon him by or under any of the provisions of this Act to the Board or any other officer or person specified in the notification.

Power to exempt the Board, Market Committee, etc., from provisions of the Act

62. (*1*) The Central Government may, by general or special order, published in the Official Gazette, exempt the Board or any Market Committee or any class of persons from any of the provisions of this Act or any rule, regulation or bye-law made thereunder or may direct, in like manner, that the provisions of this Act shall apply to the Board or any Market Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

(*2*) All orders made under sub-section (*1*) shall be laid, as soon as may be after they are made, before each House of Parliament.

(*3*) The Administrator may, by general or special order, published in the Official Gazette, direct that any rule, regulation or bye-law made under this Act shall apply to the Board or any Market Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

Power to make rules.

63. (*1*) The Administrator may, by notification, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of holding an inquiry under section 4;

(*b*) preparation of the estimates of annual income and expenditure of the Board under sub-section (*14*) of section 5 and matters connected therewith;

(*c*) the manner in which the members of a Market Committee may be elected, under section 11, including all matters incidental to such election;

(*d*) term of office and other conditions of service of Chairman or Vice-Chairman of the Market Committee under sections 17 and 20;

(*e*) the duties of Market Committees under sub-section (*2*) of section 25 and the promotion of the grading and standardisation of such agricultural produce as may be specified in the rules, under clause (*k*) of that sub-section;

(*f*) the manner of levy and collection of market fees by Market Committee, under section 28;

(*g*) the conditions subject to which loans may be obtained by a Market Committee from another Market Committee under sub-section (*3*) of section 29;

(*h*) the manner in which and the time within which an appeal may be filed under sub-section (*2*) of section 31 or sub-section (*2*) of section 71;

(*i*) the form of licence and the terms and conditions subject to which a licence may be granted or renewed, including the fees to be paid in respect of such licence, under section 34;

(*j*) the fees payable in connection with the weighment and delivery of agricultural produce under section 34;

(*k*) the manner in which an appeal may be filed under sub-section (*1*) of section 36;

(*l*) the composition of sub-committees, method of appointment of arbitrators and the fees, if any, that may be paid by parties for the settlement of disputes, the procedure to be followed by the sub-committees or arbitrators for the settlement of disputes and the manner in which and the time within which an appeal may be preferred from the decision of the sub-committee or arbitrator under section 37;

(*m*) the manner in which the amount to the credit of a Marketing Development Fund or a Market Fund shall be kept or invested under sub-section (*3*) of section 38 or, as the case may be, sub-section (*2*) of section 39;

(*n*) travelling and other allowances payable to the members of the Board or the Market Committees;

(*o*) the manner in which payment from the Marketing Development Fund or Market Fund shall be made, its account shall be kept or audited or re-audited, budget estimates of income and expenditure shall be made and annual administration report shall be prepared under section 41;

(*p*) the qualifications of a member of a Tribunal constituted under sub-section (*4*) of section 60;

(*q*) any other matter which is required to be, or may be, prescribed.

(*3*) Any rule made under this section may provide that, if any purchaser fails to make the payment forthwith as required by sub-section (*6*) of section 27, he shall be liable to pay interest from the date of sale to the date of payment at such rate as may be provided in such rule, such rate not being in excess of the maximum rate of interest fixed for unsecured loans by banking institutions and if payment is not made within thirty days from the date on which the agricultural produce is sold, the principal and interest shall be recoverable by the Market Committee from the purchaser in the manner provided in section 60.

(*4*) Any rule made under the provisions of this Act may provide that the contravention thereof shall, on conviction, be punished with fine which may extend to five hundred rupees.

(*5*) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(*6*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations.

64. (*1*) The Board may, with the previous approval of the Administrator and by notification, make regulations, not inconsistent with any rules made under this Act, for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the method of recruitment, the scales of pay and other conditions of service of employees of the Board;

(*b*) regulation of transaction of business at the meetings of the Board;

(*c*) delegation of duties and powers of the Board to its Chairman or Secretary or any other officer employed by it;

(*d*) delegation of duties and powers of the Market Committees to its sub-committees;

(*e*) terms and conditions regarding lending of services of Secretary and the salary and other conditions of service of other officers and servants of Market Committees.

Bye-laws.

65. (*1*) Subject to any rules and regulations made under this Act, and with the previous sanction of the Board or any other officer specially empowered in this behalf by the Administrator, a Market Committee may, in respect of the market area for which it is constituted or any markets established therein, make bye-laws for determining the quantity of agricultural produce which may be provided for retail sale, for the regulation of the business (including meeting, quorum and procedure) of the Market Committee, and the conditions of trading in the market area, including the rates and manner of collection or refund of market fees or any other fees levied under this Act.

(*2*) Where a Market Committee fails to make bye-laws under this section within six months from the date on which this Act comes into force or the date of its constitution, whichever is later, the Board may make such bye-laws as it may think fit and the bye-laws so made shall remain in operation in relation to that Market Committee.

(*3*) (*a*) Notwithstanding anything contained in this Act or the rules, regulations or bye-laws made thereunder, if the Board considers that an amendment, alteration, rescission or adoption of a new bye-law is necessary or desirable in the interests of a Market Committee, it may, by an order in writing to be served on the Market Committee by registered post, require the Market Committee to make such amendment, alteration, rescission or adoption of new bye-law within such time as may be specified in such order.

(*b*) If the Market Committee fails to make the amendment, alteration or rescission or to adopt the new bye-law within the time specified by the Board in its order under clause (*a*), the Board may, after giving the Market Committee an opportunity of being heard, register such amendment, alteration, rescission or adoption of such new bye-law, and issue a certified copy thereof to the Market Commitee.

(*c*) The Market Committee may, within thirty days from the date of issue of the certified copy referred to in clause (*b*), appeal against such order to the Administrator.

(d) Where an appeal is presented within the period specified in clause (c), the amendment, alteration, rescission or new bye-law shall not come into force till the order is confirmed by the Administrator.

(e) A certified copy of the amendment, alteration, rescission or the new bye-law registered by the Board under clause (b) shall, subject to the result of an appeal, if any, under clause (c), be conclusive evidence that the same has been duly registered and such amendment, alteration, rescission or new bye-law shall be deemed to have been made by the Market Committee.

(4) No bye-law or rescission of a bye-law or its alteration or amendment shall take effect until it has been confirmed by the Board and notified in the Official Gazette.

(5) Any bye-law made under the provisions of this Act may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

Power of Administrator to amend Schedule.

66. The Administrator may, after consulting the Board and Market Committees concerned, by notification, include in the Schedule any item of agricultural produce or, amend, or exclude, any of the items of agricultural produce specified in the Schedule.

Power of Administrator to transfer assets, etc., in cases of Market Committees constituted for excluded areas under Bombay Act 22 of 1939.

67. When, before the commencement of this Act, any area comprised in any market area was excluded from such market area under section 4 of the Bombay Agricultural Produce Markets Act, 1939, as in force in the Union territory of Delhi immediately before the commencement of this Act, and the area so excluded was declared as a separate market area and a Market Committee was constituted therefor, and both the Market Committees continue to function immediately after such commencement and the assets, rights and liabilities of the separate Market Committee are not yet determined, then, the Administrator may, by notification, after consulting the Market Committee concerned, provide for the transfer of the assets, rights and liabilities of the Market Committee in relation to the area so excluded (including the rights and liabilities under any contract made by it) to the separate Market Committee on such terms and conditions as may be specified in such notification.

Power to write off irrecoverable fees, etc.

68. Whenever it is found that any amount due to the Board or a Market Committee is irrecoverable or should be remitted, or whenever any loss of the Board's or a Market Committee's money or stores or other property occurs through the fraud or negligence of any person or for any other cause and such money or property is found to be irrecoverable, the fact shall be reported to the Board or Market Committee, as the case may be, and the Board, with the approval of the Administrator, and the Market Committee, with the approval of the Board, may order the amount or value of the property to be written off as lost, irrecoverable or remitted, as the case may be:

Provided that in the case of Market Committee, if in any case the amount due or the value of such property is in excess of one hundred rupees, such order shall not take effect unless it is approved by the Administrator.

Revision.

69. Notwithstanding anything contained in this Act, the Administrator shall have the power of reversing or modifying any order of the Board or any of its officers passed or purporting to have been passed under this Act if he is satisfied that such order is not in accordance with the provisions of this Act, or any rule, regulation or bye-law made thereunder.

Power to compound offences.

70. (*1*) With the previous approval of the Chairman of the Board, a Market Committee or with the authorisation by a resolution of a Market Committee, its Chairman, may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, or any rule, regulation or bye-law made thereunder, a sum of money by way of composition for such offence.

(*2*) On the payment of such amount of money to the Market Committee or to its Chairman, as the case may be, the suspected person, if in custody, shall be discharged and no further proceedings shall be taken against such person.

Power of the Committee and Chairman to impose penalties.

71. (*1*) A Market Committee and its Chairman shall have the power, by order, to impose the penalties of censure and fine on any market functionary or agriculturist or purchaser for the contravention of any bye-law, after giving the person concerned a reasonable opportunity of being heard:

Provided that the Market Committee shall not be competent to impose fine exceeding twenty-five rupees and the Chairman shall not be competent to impose fine exceeding five rupees.

(*2*) An appeal against an order under sub-section (*1*) shall lie to the Board, within such time and in such manner as may be prescribed.

Repeal and saving.

72. (*1*) On the commencement of this Act, the Bombay Agricultural Produce Markets Act, 1939, shall cease to be in force in the Union territory of Delhi:

Bombay Act 22 of 1939.

Provided that such cesser shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any appointment, delegation or declaration made, notification, order, rule, direction or notice issued, bye-law framed, Market Committee established, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(*2*) Any area or place declared to be a market area or any place or market declared to be a market under the enactment so ceasing to be in force shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act; the Market Committee constituted for the said market area and functioning immediately prior to such commencement shall be deemed, notwithstanding anything contained in this Act, to be the Market Committee constituted under this Act for such market area, and, where it is so declared or notified, also for the agricultural produce specified in the declaration or notification; and all the members of such Market Committee shall be deemed to be members nominated by the Administrator under sub-section (*2*) of section 9.

(3) Any reference to the enactment ceasing to be in force as aforesaid or to any provision thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to the corresponding provisions of this Act or to the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under such law, instrument or document.

(4) The mention of particular matters in this section shall not affect the general application to this Act of section 6 of the General Clauses Act, 1897 as if the Bombay Agricultural Produce Markets Act, 1939, as applicable to the Union territory of Delhi, had been repealed by this Act.

10 of 1897.
22 of 1939.

73. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, as occasion requires, by order not inconsistent with the provisions of this Act, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

THE SCHEDULE

[*See* section 2 (*1*) (*b*) and section 66]

I. *Animal husbandry products*—

1. Butter.
2. Cattle.
3. Eggs.
4. Ghee.
5. Goat.
6. Hides and skins.
7. Milk.
8. Poultry.
9. Sheep.
10. Wool.

II. *Apiculture*—

Honey.

III. *Cattle feeds*—

1. Guwar.
2. Punvad.

IV. *Cereals*—

1. Bajra.
2. Barley.
3. Inferior millets, for example, swank, kodra kangni, etc.
4. Jowar.
5. Maize.
6. Oats.
7. Paddy (husked and unhusked).
8. Wheat (husked and unhusked).

V. *Condiments, spices and others*—

1. Betel leaves.
2. Betelnuts.
3. Cardamom and pepper.
4. Cashewnuts.
5. Chillies.
6. Corriander.
7. Dalchini.
8. Garlic.

9. Ginger.
10. Ilachi.
11. Long.
12. Methi.
13. Rai (mustard).
14. Sonf.
15. Turmeric.
16. Zeera.

VI. *Fibres*—

1. Cotton (ginned and unginned).
2. Sanhemp.

VII. *Fruits*—

1. Almonds.
2. Apples.
3. Banana.
4. Cherry.
5. Chickoo.
6. Fig.
7. Grapes.
8. Guava.
9. Kakri.
10. Leechi.
11. Lemon.
12. Malta.
13. Mango.
14. Melon.
15. Mosambi.
16. Papaya.
17. Peaches.
18. Pears.
19. Plums.
20. Pomegranate.
21. Santra.
22. Strawberry.
23. Water melons.

VIII. *Grass and fodder.*

IX. *Gur, sugar, sugarcane, khandsari, shakhar and rashkat.*

X. *Narcotics*—

Tobacco.

XI. *Oilseeds*—

1. Castor seed.

2. Cotton seed.
3. Groundnut (shelled and unshelled).
4. Linseed.
5. Sarson.
6. Sesamum.
7. Taramira.
8. Toria.

XII. *Pisciculture*—

Fish.

XIII. *Pulses*—

1. Arhar.
2. Beans.
3. Gram.
4. Guara.
5. Mash.
6. Masur.
7. Moth.
8. Mung.
9. Peas.
10. Urad.

XIV. *Vegetables*—

1. Arvi.
2. Carrots—all types.
3. Cucumber—all types.
4. Gobhi—all types.
5. Kachalu.
6. Leafy and fresh vegetables.
7. Onion.
8. Peas—all types.
9. Potatoes and sweet potatoes.
10. Tomatoes.

STATEMENT OF OBJECTS AND REASONS

The marketing of agricultural produce is regulated in the Union territory of Delhi under the Bombay Agricultural Produce Markets Act, 1939. The said Act has been found to be inadequate to cope with the changing socio-economic pattern and present-day requirements in the matter of marketing of agricultural produce in the Union territory of Delhi. It was also felt that the penal provisions should be more severe. The Bill, therefore, seeks to replace the Bombay Agricultural Produce Markets Act, 1939, as extended to the Union territory of Delhi, by a new enactment.

2. The Bill provides for the establishment of an Agricultural Marketing Board, consisting of a Chairman and twelve other members, of whom—

(a) four shall be officials, representing, respectively, the Agriculture Department, the Co-operative Department and the Animal Husbandry Department of the Delhi Administration, and

(b) eight non-officials, representing agriculturists, organization of farmers, traders and commission agents and co-operative societies.

With a view to ensuring that the interests of the urban consumers are safeguarded, the Bill further provides that the Board shall also include two representatives of consumers, one of whom will be a member of the Metropolitan Council of Delhi.

The functions of the Board will be to regulate and supervise the activities of the Market Committees, constituted under the Bill, and to constitute a fund, with the moneys received by it from the Government and the Market Committees, for the better marketing of agricultural produce, grading and standardization of agricultural produce, and general improvement of the markets.

3. The Bill further provides for the establishment of principal markets for every market area and for the constitution of Market Committees for regulating the marketing of different kinds of agricultural produce marketed in the said market area or any part thereof. The functions of the Market Committees would include provision of facilities for the marketing of agricultural produce, superintendence, direction and control of markets, regulation of the entry of persons and of vehicular traffic into the market, settlement of disputes arising out of any kind of transactions connected with the marketing of agricultural produce and all matters ancillary thereto.

4. The Bill further provides that, on the sale of any produce, it shall be the duty of the Market Committee to get such produce weighed (or measured) and to grant a receipt to the purchaser indicating the weight (or measure) and grade of the produce and the names of the seller and purchaser of the produce.

5. The other provisions of the Bill relate to matters of detail.

NEW DELHI;
The 6th May, 1976. SHAH NAWAZ KHAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 7-1/73-AM, dated the 7th May, 1976 from Shri Shah Nawaz Khan, Minister of State in the Ministry of Agriculture and Irrigation to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Delhi Agricultural Produce Marketing (Regulation) Bill, 1976, has recommended under article 117(1) of the Constitution the introduction of the Bill in Lok Sabha and has also recommended under article 117(3) of the Constitution the consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Sub-clause (4) of clause 59 provides that all fines received from an offender shall be paid by the Government to the Board or the Market Committee, as the case may be. The procedure for such payment will be that such fines will, in the first instance, be credited to the Government revenues and thereafter an amount equal to the amount so credited will be paid to the Board or the Market Committee. There will thus be no actual out-go from the Consolidated Fund.

2. At present an annual expenditure of a sum of Rs. 1.03 lakhs and a non-recurring expenditure of a sum of Rs. 0.10 lakhs is incurred in enforcing the provisions of the Bombay Agricultural Produce Markets Act, 1939, as extended to the Union territory of Delhi. An identical recurring and non-recurring expenditure will be involved if the Bill is enacted.

3. No other recurring or non-recurring expenditure will be involved if the Bill is enacted.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 63 of the Bill empowers the Administrator to make rules for the purpose of carrying out the provisions of the Bill. The matters in relation to which such rules may be made have been enumerated in detail in sub-clause (2) of that clause. These matters relate, mainly, to the manner in which the members of Market Committees are to be elected, the manner of levy and collection of market fees by Market Committees, conditions subject to which loans may be obtained by a Market Committee from any other Market Committee, the terms and conditions subject to which a licence to use any place in the market area for marketing agricultural produce or operating therein as a trader, commission agent, etc., may be granted, fees payable in connection with weighment and delivery of agricultural produce, composition of sub-committees, method of appointment of arbitrators for settlement of disputes, qualifications of Tribunal to be constituted for determining disputes about sums due to the Government, Board, Market Committees or agriculturists, and travelling and other allowances payable to members of the Board or Market Committees, etc.

2. Clause 64 of the Bill empowers the Board to make, with the previous approval of the Administrator, regulations for carrying out the provisions of the Bill. The matters in regard to which regulations may be made by the Board relate to the method of recruitment, scales of pay and other conditions of service of the employees of the Board, regulation of the transaction of business at meetings of the Board, delegation of duties and powers of the Board to its Chairman, Secretary or other officers, delegation of the powers of the Market Committee to its sub-committees, etc.

3. Sub-clause (1) of clause 65 of the Bill empowers the Market Committees to make, subject to the provisions of the Bill and any rule or regulation made thereunder and with the previous sanction of the Board or any other officer specially empowered by the Administrator in this behalf, bye-laws, in respect of the market area for which it is constituted, for determining the quantity of agricultural produce which may be provided for retail sale, for the regulation of the transaction of business of the Market Committee and the conditions of trading in the market area including the rates and manner of collection or refund of market fees or other fees levied under the Bill.

Sub-clause (2) of clause 65 of the Bill empowers the Board to make bye-laws for a Market Committee where the Market Committee fails to make bye-laws within six months from the commencement of the proposed enactment or the constitution of such Market Committee, whichever is later.

Sub-clause (3) (a) of clause 65 of the Bill empowers the Board to require the Market Committee to amend, alter or rescind any bye-law made by it or to adopt a new bye-law for the Market Committee within the time specified in the order and further empowers the Board, in the event of the failure of the Market Committee to make the amendment within the specified time, to register such amendment and to issue a certified copy thereof to the Market Committee. The aggrieved Market Committee has been given a right to appeal to the Administrator against the action taken by the Board.

4. Clause 66 of the Bill empowers the Administrator, after consulting the Board and the Market Committees concerned, to include, by notification, in the Schedule any item of agricultural produce or to amend or exclude any of the items of agricultural produce specified in the Schedule.

5. The matters in relation to which such rules or regulations or bye-laws may be made are matters of detail and it is hardly possible to provide for them in the Bill itself. The delegation of the legislative power is, therefore, of a normal character.

6. Clause 62 of the Bill empowers the Central Government to exempt, by general or special order, the Board or any Market Committee or any class of persons from any provision of the Bill or any rule, regulation or bye-law made thereunder and further empowers the Central Government to modify, without affecting the substance thereof, any provision of the Bill in its application to the Board or any Market Committee or any class of persons. The clause further provides that every order making such exemption or modification shall be laid before each House of Parliament. Sub-clause (3) of that clause empowers the Administrator to modify, without affecting the substance thereof, any rule, regulation or bye-law made under the Bill. The powers of exemption or modification so delegated to the Central Government or, as the case may be, to the Administrator are such that they can hardly be provided in the Bill itself. The delegation of the power is, therefore, of a normal character.

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Secretary-General.

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